

IDAPA 44 - OFFICE OF ADMINISTRATIVE RULES  
44.01.02 - RULES GOVERNING RULE WRITING IN IDAHO  
DOCKET NO. 25/0101.1201

DECEMBER 5, 2012

REPORTED BY:  
JAHNENE ADMIRE, CSR No. 760,  
Notary Public

## In Re: Outfitted Turkey and Fowl Hunting Hearing 12/5/2012

<p style="text-align: right;">Page 2</p> <p>1 THE HEARING OF THE IDAHO OUTFITTERS AND GUIDES</p> <p>2 LICENSING BOARD was taken at the Best Western Burley Inn</p> <p>3 &amp; Convention Center, 800 North Overland Avenue, Burley</p> <p>4 Idaho, commencing at 7:43 p.m. on December 5, 2012,</p> <p>5 before Jahnene Admire, Certified Shorthand Reporter and</p> <p>6 Notary Public within and for the State of Idaho, in the</p> <p>7 above-entitled matter.</p> <p>8 APPEARANCES:</p> <p>9 Richard L. Gardner, Ph.D.</p> <p>10 Bootstrap Solutions</p> <p>11 752 East Braemere Road</p> <p>12 Boise, Idaho 83702</p> <p>13</p> <p>14 Jake Howard, Executive Director</p> <p>15 Idaho Outfitters and Guides Licensing Board</p> <p>16 1365 N. Orchard, Room 172</p> <p>17 Boise, Idaho 83706</p> <p>18</p> <p>19 Wayne Hunsucker - Board Chairman</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 limited.</p> <p>2 UNIDENTIFIED AUDIENCE SPEAKER: But as an</p> <p>3 example.</p> <p>4 MR. GARDNER: And, Jake, you've said in the</p> <p>5 past no one outfitter would get the 3 percent; right?</p> <p>6 MR. JAKE HOWARD: Yeah. No one outfitter is</p> <p>7 going to get the whole thing. I don't think that's --</p> <p>8 UNIDENTIFIED AUDIENCE SPEAKER: Two --</p> <p>9 MR. JAKE HOWARD: It'd be the higher of the</p> <p>10 two.</p> <p>11 UNIDENTIFIED AUDIENCE SPEAKER: If you don't</p> <p>12 have a lot of input, you can get one out there the</p> <p>13 maximum amount of days allowable. How are you going to</p> <p>14 stop that? You can challenge --</p> <p>15 MR. JAKE HOWARD: We can further clarify that.</p> <p>16 We may want to do that. That's a good point. We may</p> <p>17 need to do that. That's the kind of stuff we need to</p> <p>18 hear. If there's something that you feel like we need</p> <p>19 to further clarify, that's what we need to hear.</p> <p>20 MR. GARDNER: So you may want to express that</p> <p>21 as a concern or as a suggestion.</p> <p>22 MR. STODDARD: I'm Mike Stoddard. I'm a</p> <p>23 retired state employee. I've worked for Fish and Game</p> <p>24 for 31 years as a district conservation officer, so I</p> <p>25 have a lot of experience with state agencies and how</p>
<p style="text-align: right;">Page 3</p> <p>1 (Mr. Wayne Hunsucker welcomed everyone to the hearing</p> <p>2 and an overview of the issue and a review of proposed</p> <p>3 rule was presented by Mr. Dick Gardner.)</p> <p>4</p> <p>5 MR. GARDNER: So let's that. Do you want --</p> <p>6 are there clarifying questions or do we want --</p> <p>7 UNIDENTIFIED AUDIENCE SPEAKER: I have one</p> <p>8 clarifying question before you start. When you talk</p> <p>9 about 3 percent, how's that going to be governed by the</p> <p>10 Idaho Birds and Guide? How's that --</p> <p>11 MR. JAKE HOWARD: When we issue a license, we</p> <p>12 would put a limit on the license as far as the number of</p> <p>13 user dates. So when we talk about that rule, we set</p> <p>14 additional limits and restrictions and things we need to</p> <p>15 clarify that. It would be done during the licensing</p> <p>16 process. We do it, you know, collectively with the Fish</p> <p>17 and Game Department. And, you know, that would be</p> <p>18 subject to change; you know, when we reissue license</p> <p>19 resource management process or issue, we can conduct</p> <p>20 what's called an operational adjustment hearing and make</p> <p>21 additional changes.</p> <p>22 UNIDENTIFIED AUDIENCE SPEAKER: So you have an</p> <p>23 outfitter that says I'm going to have two days and</p> <p>24 squeeze out three and --</p> <p>25 MR. JAKE HOWARD: Nothing would be quite that</p>	<p style="text-align: right;">Page 5</p> <p>1 they work. And I have -- I have a bunch of questions</p> <p>2 here. And I'm going to be pretty blunt about it, but I</p> <p>3 don't mean any disrespect to Mr. Hunsucker or Mr.</p> <p>4 Howard, but they are concerns.</p> <p>5 I have never -- when I was involved in the</p> <p>6 turkey federation, I never received any input on where</p> <p>7 this all is being generated. You guys are saying that</p> <p>8 you had documentation to show additional hunting and</p> <p>9 guiding and outfitting opportunities were in existence,</p> <p>10 but nobody ever showed me anything to prove that's</p> <p>11 really the fact.</p> <p>12 Do you guys have any documentation showing</p> <p>13 that we have 2500 phone calls from the Midwest saying,</p> <p>14 "I want to hunt turkeys or I want to hunt waterfowl."</p> <p>15 MR. JAKE HOWARD: The primary concern is not</p> <p>16 so much the number of applications received. It's the</p> <p>17 ability to address this moratorium, put down appropriate</p> <p>18 rules in place so we can set the appropriate limits we</p> <p>19 can enforce.</p> <p>20 MR. STODDARD: Don't you have that in the</p> <p>21 moratorium?</p> <p>22 MR. JAKE HOWARD: The moratorium technically</p> <p>23 is not legally a custom. We're concerned -- this is a</p> <p>24 risk management issue. What we're trying to do is</p> <p>25 minimize the state's risk by handling this moratorium</p>

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1 that's totally arbitrary.

2 MR. STODDARD: But you know as well as I do  
3 that there's a risk in everything we do.

4 MR. GARDNER: Let's not debate this. Get your  
5 points.

6 MR. STODDARD: Probably 90 percent of the wild  
7 turkey population is found on private property; all  
8 wildlife in this state, the state manages those critters  
9 and the sportsmen's clubs to ensure that we have healthy  
10 populations. What are you guys going to do to assist  
11 the state in managing wildlife, since that's your  
12 statutory obligation, not only the outfitting and  
13 guiding part of it, but to help maintain a viable  
14 population?

15 MR. JAKE HOWARD: We're going to set these  
16 rules and put limitations in place. And, hopefully, it  
17 will limit the opportunity to a certain point it's not  
18 going to have any adverse effect.

19 MR. STODDARD: All the money that's generated  
20 from the --

21 MR. JAKE HOWARD: Let's stop for a second.  
22 Mike, stop. We're not going to debate you. Okay? If  
23 you have some questions and you would like to put the  
24 questions in writing, we would be happy to respond. I'm  
25 not going to sit here and I'm not going to go through

1 everybody, it wasn't a critical area, there wasn't

2 limited access, now is; how are you going to commercial  
3 that?

4 MR. REYNOLDS: Commercialize.

5 MR. JAKE HOWARD: The operational adjustment  
6 hearing. Issues that surface, we have the ability to go  
7 through that and make changes.

8 MR. STODDARD: Have you ever had to do that in  
9 the past?

10 MR. JAKE HOWARD: Oh, yeah, absolutely. In  
11 fact, we're going through a process right now on the  
12 South Fork River setting new rules of operation with the  
13 U.S. Forest Service and Bureau of Land Management.  
14 Those probably will go into effect next summer.

15 MR. STODDARD: Well, that moratorium -- and I  
16 think they addressed that during your workshop -- it  
17 would have been nice to have it made permanent instead  
18 of a temporary thing. It's been in effect for 23 years  
19 and nobody has challenged it.

20 MR. JAKE HOWARD: Mike, I think you're missing  
21 the point. The purpose of this negotiated rule-making  
22 process is to take those same considerations, all of  
23 these little idiosyncrasies that you're concerned about,  
24 and getting them clearly pointed out in the rule. And  
25 in doing that, we will set the limits and restrictions

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1 every one of your questions and have a debate with you.

2 MR. STODDARD: Well, I think -- like, my basic  
3 question about tonight is: Was the media involved in  
4 this? Did you guys send out any notification?

5 MR. JAKE HOWARD: Yes. We sent out statewide  
6 by the Idaho Department of Administration.

7 MR. STODDARD: Where was it sent?

8 MR. JAKE HOWARD: It was supposedly posted in  
9 all the local newspapers. From my understanding that's  
10 the way they do it. I know we had several articles  
11 written about this in one local paper.

12 MR. STODDARD: To be honest with you, I didn't  
13 see anything. You might want to check on that because  
14 there might be an issue with that.

15 Access is still my big concern. One of the  
16 basic concerns of this is, okay, it's really easy to  
17 allow outfitters to expand their business. But you know  
18 as well as I do that wildlife populations are fluid.  
19 Access is fluid. What is good today is bad tomorrow is  
20 worse ten years down the road.

21 And the issue that I have that I'm a little  
22 bit concerned about for you guys is how are you going to  
23 tell an outfitter, the base of his livelihood, his  
24 family on a business to say, hey, I'm not going to renew  
25 your license because what used to be fair game for

1 that you want us to set.

2 I mean, if I were somebody who really is  
3 concerned about this moratorium being lost, and I really  
4 wanted this board to legitimately go out and do the  
5 things that you feel that we need to do, I would be all  
6 over us doing this rule-making. This rule-making -- you  
7 being a state employee, you should understand the  
8 rule-making process is the law. We can't violate our  
9 own laws. Okay? The moratorium is not enforceable.  
10 It's arbitrary. That's why we're doing the rule-making.  
11 We want to put a law in place that will set limits and  
12 restrictions that will do the very thing that you want  
13 us to do. We need your help.

14 MR. STODDARD: Well, I think you guys are  
15 going to paint yourself into a corner. I think it's a  
16 challenge, but it's going to be challenges from a  
17 different direction. You're going to get blindsided,  
18 and we're going to pay the price. It's already really  
19 hard to hunt around here. I don't know how familiar you  
20 are with Magic Valley, Jake, but, oh, my God, I grew up  
21 here, and used to be able to go anywhere on the Snake  
22 River and hunt anywhere.

23 MR. JAKE HOWARD: I grew up in Aberdeen. In  
24 fact, coming back from Idaho Falls today, we drove down  
25 through the Aberdeen area, the wildlife segment back in

<p style="text-align: right;">Page 10</p> <p>1 there. My dad, actually, back in about 1968, 1970,  2 worked with the Fish and Game that created that.  3 MR. GARDNER: Let me ask you: What did you  4 mean by -- elaborate a little bit on the paint yourself  5 in a corner. What's the jam you anticipate?  6 MR. STODDARD: Well, I think you outline  7 everything so much that if an outfitter has an issue,  8 you're going to be dealing with some really hostile  9 outfitters. I mean, they're going to say: Well, why  10 can't you let me do this, and why can't you let me do  11 that. And I know dealing with people and emotions and  12 money, it's a whole different ballgame. It looks good  13 on paper, but when you hit the pavement with it, it all  14 changes. Because the bottom line is you still have to  15 be able to administer all of this. And you have to have  16 somebody go out there and do all the footwork. Who's  17 going to do the legwork?  18 MR. GARDNER: Landowners, they have the same  19 concern.  20 MR. BRUNING: You stated that they couldn't --  21 limited access outfitters -- that they couldn't help  22 with the calling and the decoys. How is -- you know,  23 this is the issue, it's all about money. An outfitter  24 is not going abide by the rules. They're making the  25 client happy. They're going to be calling, they're</p>	<p style="text-align: right;">Page 12</p> <p>1 going to be following the rules. Because he's right. I  2 mean, money talks, you know.  3 MR. GARDNER: Mike, let's -- so would you mind  4 introducing yourself?  5 MR. BRUNING: Jordan Bruning. I grew up right  6 in Jerome.  7 MR. GARDNER: And do you want to say anything  8 more?  9 MR. BRUNING: It's just absolutely 100 percent  10 a money issue. It is. The landowners approve of this  11 for the money. Average people who don't have money hunt  12 to provide for their family because they don't have the  13 money. I do that. I hunt for a reason, my heritage.  14 It's not about money to me. It's what I love. And, you  15 know, it's very, very important to me. It is absolutely  16 a money issue.  17 The fact that the outfitters are not being  18 able to do what they want to make a successful hunt is  19 going to be the point of everything. They're going to  20 do whatever they can to help the clients have a  21 successful hunt. They're going to do whatever they want  22 to make that happen. There's no one that's going to be  23 there to enforce it. That's the issue that I have.  24 UNIDENTIFIED AUDIENCE SPEAKER: You wrote on  25 there on a couple back there --</p>
<p style="text-align: right;">Page 11</p> <p>1 going to be doing the decoy work. Because 90 percent of  2 the people who chose to go to an outfitter have no idea  3 what it takes to do a successful hunt. And that's what  4 they're after. If they go out there, you know, throw  5 the blinds out and that's it, they might not be  6 successful. And that outfitter is not going to make  7 money. He's not going to have any return.  8 MR. GARDNER: I'm going to turn that in for  9 purposes of the -- what you're saying, you have a  10 concern about whether this could be enforced and  11 limited?  12 MR. BRUNING: Absolutely. You know, how can  13 anybody regulate what an outfitter does? Say I take  14 five people and I'm an outfitter, who knows what I'm  15 doing.  16 MR. GARDNER: This is a good point. This is  17 the kind of input we're trying to get.  18 Mike, are you done?  19 MR. STODDARD: That's a really good point.  20 And that's the major concern is being able to enforce  21 that because, you know, money -- what state laws we  22 already have, some of them are just almost  23 nonenforceable because you've got to babysit people.  24 And what I'm looking at, Jake, you're going to be  25 babysitting outfitters. And if you're not, they're not</p>	<p style="text-align: right;">Page 13</p> <p>1 MR. GARDNER: Identify yourself.  2 MR. STEELE: Chuck Steele. I live in  3 Hagerman, Idaho. First of all, I'm really disappointed  4 in the locations of these meetings. I mean, I don't  5 know why there's one in Pocatello last night. And I  6 don't know why there's one in Twin Falls because the bed  7 capital of Idaho is in Hagerman. It's not in Burley,  8 Idaho; it's in Hagerman. We have another one tomorrow  9 night in Nampa?  10 MR. GARDNER: Uh-huh.  11 MR. STEELE: So you kind of skip the big  12 cities. And I understand that, the logic and reason  13 behind that. And I've lived in Idaho all my life. I'm  14 the fifth generation to come through there.  15 And I think none of you guys were probably  16 even on the board when Jim Fowler came through this part  17 of the valley. You ever do your homework on that  18 licensed guy down there? It would be a good research on  19 your department to see what and how that was done and  20 handled with what happened on that issue with that  21 gentleman.  22 I don't see -- I don't see where any of this  23 benefits the lifelong local residents of the state of  24 Idaho, other than tying up ground to make this a rich  25 man's sport.</p>

<p style="text-align: right;">Page 14</p> <p>1 Because if you allow this, I'm just going to  2 tell you right now, whether I get it or Jordan gets the  3 licensing or Tab Smith gets the licensing right here,  4 I'll go through Wendell, Idaho, Hagerman Valley, and for  5 \$100,000 I'll buy that whole valley, which is going to  6 eliminate probably 2- to 300 people's access to hunting  7 for a few bucks for the licensing waterfowl guide that  8 you guys are trying to accomplish.  9 You guys say that he can't go with us and call  10 for them and this and that. I guess I misunderstand,  11 then. Then what is he? Is that just a trespassing  12 permit? Because if I go on an elk hunt with you, and  13 you guide me elk hunting, and you take me to the top of  14 the mountain, and I stay in your -- I stay in your  15 satellite camp, I ride your horses, and you take me to  16 the top, and you put me right on that elk, and you're  17 with me, and you're bugling him, or whatever the case  18 is, I guess I misunderstand how that works.  19 MR. GARDNER: It could be something like goose  20 pits. It could be hunting blinds.  21 MR. STEELE: Yeah, but he ain't gonna bugle  22 for me.  23 MR. JAKE HOWARD: Let me answer. Just let me  24 answer your question. An outfitter is a business  25 entity. Okay? So the business entity can employ people</p>	<p style="text-align: right;">Page 16</p> <p>1 MR. JAKE HOWARD: Just like a trespass fee.  2 MR. STEELE: Just like a trespassing fee.  3 Okay. You ever pay to go duck hunting?  4 MR. JAKE HOWARD: I have, as a matter of fact.  5 MR. STEELE: In Idaho?  6 MR. JAKE HOWARD: No. South Dakota.  7 MR. STEELE: Okay. We're in Idaho. And let  8 me tell you right now, I've lived here all my life. And  9 I've lived in Hagerman Valley, and I grew up here all my  10 life. And we have five hunting clubs that surround me.  11 I live right on the river. I live right in between the  12 Buckeye, the Kern, Chop Side Club, the Docker Side Club,  13 and the other club, Geezers. And I'm right in the  14 middle of it. And those guys charge anywhere from  15 \$250,000 to 15,000 a year for a trespassing fee. Can  16 you afford that? I can't.  17 MR. JAKE HOWARD: Use personal financing --  18 MR. STEELE: Well, I'm not either. I'm just  19 telling you, the first time as a lifelong resident of  20 the state of Idaho that I have to come up and start  21 paying to go do something I've done all my life for  22 somebody to gain a buck, or whether it's your  23 association or the guide -- you know, you say it's for  24 the landowners. I know all the landowners on that side.  25 I know them all, been involved in the community and</p>
<p style="text-align: right;">Page 15</p> <p>1 to provide services. And a guide is one of those  2 employees that can provide services. But what the focus  3 of this thing is to allow landowners, essentially, to  4 provide access to and from their land. And in order to  5 do that, they can employ somebody to escort people in,  6 escort people out, take care of, you know, birds that  7 are harvested, set up blinds, provide meals, provide  8 lodging, you know, so on and so forth.  9 They cannot -- the guide, employee guide,  10 cannot accompany them while in the field. They cannot  11 accompany the client while they're in the field while  12 they're hunting. They can't call, they can't, you know,  13 set decoys, they can't run dogs, so on and so forth.  14 The purpose of this thing is to encourage  15 landowners to provide public access or access to the  16 public to their lands. Simple as that.  17 MR. STEELE: So through a guide --  18 MR. REYNOLDS: Let's go back to the --  19 MR. STEELE: It's through the guide?  20 MR. JAKE HOWARD: No, it's through the  21 outfitter.  22 MR. STEELE: Through the outfitter you pay a  23 fee; right?  24 MR. JAKE HOWARD: Right.  25 MR. STEELE: It's not free; right?</p>	<p style="text-align: right;">Page 17</p> <p>1 everything else. And 99 percent of them give access to  2 the public 99 percent of the time, and especially youth.  3 You know, I -- this deal, to me, right here you guys got  4 -- and I think that you guys come a little unprepared  5 because you leave a lot of question marks on your board  6 right here that you're not decided yet, you don't know  7 what's going on there yet, you want our input, but you  8 haven't completed your paragraph yet.  9 MR. GARDNER: Can I -- you made one point I  10 want to see if I can turn this around in a positive  11 statement. You were concerned about how much land an  12 outfitter might lease up. So a more positive way to  13 give input that they maybe can hear better would be  14 you'd like to see limitations on --  15 MR. STEELE: No, I wouldn't like to see it at  16 all. No, I wouldn't like to see it at all. So let's  17 clarify that. Okay? I don't want to see how much -- or  18 this guy's only allowed this much property. I'm not in  19 favor of this program at all. That's the reason I just  20 drove 80 miles to this meeting. Okay? I'm not in  21 favor. And I think that if you guys would look --  22 MR. GARDNER: Okay.  23 MR. STEELE: -- at Jim Fowler's record that  24 happened in '80, '81 through the licensing guide, that  25 you guys will see this is a big black eye.</p>

<p style="text-align: right;">Page 18</p> <p>1 MR. GARDNER: And if you want to, everyone in 2 the room can stand up and say they don't want -- they 3 want to see the moratorium continue forever, that's 4 fine. I'm telling you, it's not going to be useful to 5 the folks setting the policy. 6 MR. STEELE: I got one more question. I got 7 one more question. Is this a done deal? Are we wasting 8 our breath? Has this already happened? I mean, in 9 2014, is there going to be waterfowl guides in Idaho? 10 MR. GARDNER: There's going to be a set of 11 rules of some kind. 12 MR. STEELE: Is there going to be a waterfowl 13 guide in the state of Idaho in 2014? 14 MR. GARDNER: I don't know. 15 MR. STEELE: Has it passed? 16 UNIDENTIFIED AUDIENCE SPEAKER: Has to pass 17 the legislature first. 18 MR. GARDNER: That's what I'm trying to focus 19 you toward, what's the language that can be in the rules 20 that can maybe still address your concern. 21 MR. STODDARD: You know, some of us are here 22 for it, some are here against it, you know. If the 23 people are for it -- I don't know how many people are in 24 this room that are for it or in Orofino or in Idaho 25 Falls or in Nampa, you know. It appears to me that most</p>	<p style="text-align: right;">Page 20</p> <p>1 MR. STODDARD: Landowners can do what they 2 want to do. If I was a landowner, I would be leasing my 3 property if I wasn't hunting on it. That's just good 4 common fiscal sense. I'm worried about everything else 5 above and beyond private land. That's what I'm worried 6 about. 7 MR. GARDNER: And I hope you don't see very 8 much intent to allow anything happening on public lands 9 for turkey and waterfowl. 10 MR. JAKE HOWARD: This is really a lot about 11 private land, to be honest with you. 12 MR. GARDNER: Who are you? 13 MR. REYNOLDS: I'm Travis Reynolds. And I 14 live in Hagerman, also. You guys talk about the general 15 public a lot. It was written through everything. This 16 is the general public right here. And you want to talk 17 about the general public behind -- or trying to get -- 18 or using an outfitter to get on -- or to get on private 19 land. We're not going to pay. Nobody in here is going 20 to pay \$250 to go hunt landowners' land that they've 21 hunted for years. They're not going to go up and say, 22 hey, Joe Schnow, I need -- you know, we're going to go 23 hunting today, here's \$500. It's not going to happen. 24 So you want to benefit the general public, the general 25 public here is not going to do it.</p>
<p style="text-align: right;">Page 19</p> <p>1 of these guys and gals here are probably not for it. 2 There's probably a pretty good consensus on what 3 everybody thinks. So I don't know. 4 MR. STEELE: Let's see who's against it. 5 MR. GARDNER: Let's get some new voices in 6 here. 7 MR. STODDARD: There's one other -- I want to 8 throw this concern out. 9 MR. GARDNER: Mike, I can't just let you keep 10 talking. 11 MR. STODDARD: I know. This is my last time. 12 Okay. So the State of Idaho has just -- is going to 13 adopt a change in the constitution making it my right to 14 hunt, fish, and trap in this state. What are you going 15 to do to stop me from following those rules if it's my 16 right? It's not a privilege -- it won't be a privilege 17 anymore; it will be my right. And if you've got these 18 outfitters moving onto my ground that I historically 19 hunted on and try to shove me off, what recourse are you 20 going to have? 21 MR. JAKE HOWARD: You can continue to hunt 22 wherever you're hunting. This has nothing to do with 23 that. 24 MR. GARDNER: I don't think it's going to take 25 away the landowners right to deny or allow permission.</p>	<p style="text-align: right;">Page 21</p> <p>1 So basic to say you want to benefit the 2 out-of-state people that want to come and give money to 3 the landowners, and, obviously, you guys or whoever is 4 going to collect a benefit out of having a licensed 5 outfitter. They obviously have to pay dues. 6 So how does any of this benefit the general 7 public, the people that showed up tonight? 8 MR. GARDNER: I want to respond to one point. 9 The general public also includes all the Idahoans that 10 own property. And I mean, you guys have lived through 11 the Sagebush Rebellion. That was all about illegal 12 takings by the government. That's the bind that this 13 board is finding themselves in. All those landowners 14 can say we have a right to charge a fee, we have the 15 right to do what we want. And they can jam these people 16 up from a whole different direction. That's part of the 17 public, too. And that's -- 18 MR. REYNOLDS: So back to the dollar 19 benefiting the landowner. 20 MR. GARDNER: This is capitalism. I'm not 21 saying I like it either. And I appreciate -- I'd be 22 frustrated just like you are. But it's the world we 23 live in in America. It's the guy that has the buck 24 rules. 25 MR. SMITH: I'm Tab Smith, Burley, Idaho. So,</p>

<p style="text-align: right;">Page 22</p> <p>1 you know, I kind of understand where you guys are coming  2 from. And if I get this right, we can actually go back  3 and tell the legislature -- clear this up as I go down  4 -- can the legislature tell you guys that we're not  5 going to have Idaho guiding?  6 MR. GARDNER: Yes.  7 MR. JAKE HOWARD: Absolutely.  8 MR. SMITH: So we can get on the phone and  9 talk to those guys, I mean, rather than just fighting  10 back and forth?  11 MR. JAKE HOWARD: Anytime you want to.  12 MR. SMITH: Right. And rather than fight back  13 and forth, because then it's just feelings that, you  14 know, for whatever reason. So we can -- or you guys can  15 actually say we're going to have limited outfitting in  16 Idaho, which means zero, we can't go over that, so we've  17 got zero guiding in Idaho?  18 MR. GARDNER: And let's be clear, I mean, the  19 legislature could do that from -- I'm a neutral  20 facilitator -- but I mean, just from listening to these  21 guys, they'd probably be happy.  22 MR. SMITH: You know, I'm not going to beat up  23 these guys right now because it's not doing us any good  24 as far as just going back and forth. But you guys could  25 actually limit the number of guides in Idaho as zero as</p>	<p style="text-align: right;">Page 24</p> <p>1 is: Are we starting a fire that doesn't need to be  2 burned? Can we take care of all this without having  3 this kind of -- where we're going to have to open it up?  4 And then my next question is: So the people  5 that already have outfitters licenses, are they going to  6 be able to pick up the waterfowl end of it, and so  7 there's not going to be a chance for anybody else to  8 become a waterfowl outfitter in these areas? Because  9 let's say that Jim over here has these units, and so he  10 already keeps the units, and now he just acquired the  11 ability to --  12 MR. GARDNER: Now, what we're talking about,  13 we're talking about private land. So they wouldn't have  14 big areas that would be there. They would have to  15 apply, saying here's where I have leases.  16 MR. SMITH: And that's why I say --  17 MR. GARDNER: So, no, they wouldn't get Cassia  18 County or a big territory like that.  19 MR. SMITH: And that brings up -- okay. So  20 you bring up another point. So we're going to section  21 Cassia County up into little bits so we don't run into  22 each other. So if you've got guides hunting these  23 different places, they're not running into each other.  24 Now that somebody's been studying this for a  25 long time, you're really -- you're really putting a</p>
<p style="text-align: right;">Page 23</p> <p>1 our maximum number?  2 UNIDENTIFIED AUDIENCE SPEAKER: Well, there's  3 four already right now --  4 MR. SMITH: Okay, I understand. But those  5 four are the only ones that will ever have it, you could  6 actually say that; correct?  7 MR. JAKE HOWARD: We have to have some  8 justification. And that's what we're looking for.  9 MR. SMITH: Okay. And the justification, I  10 understand, because I went back through -- I went back  11 through your surveys of your landowners and the people  12 that talked to, and I also contacted a bunch of the big  13 landowners in this valley that -- and I don't know if I  14 talked to anybody that have received this, and -- you  15 know, so the guys that I talked to with the amounts of  16 land that would actually benefit off of this, you know,  17 they've never been pushing for anything. And for them  18 to say, you know what, we can't make enough money on  19 guiding or we can't make enough leasing our land because  20 the guys that are doing it are already doing it.  21 MR. GARDNER: If I can tell you, that was a  22 fairly common response in that survey. Probably, I'd  23 say, 50 out of those 1200 said it's not worth it to me.  24 It's peanuts for a whole lot of hassle.  25 MR. SMITH: And so I -- and my other concern</p>	<p style="text-align: right;">Page 25</p> <p>1 blue-sky opportunity out there that's not there.  2 Because if I only get to operate in this area, and  3 there's only geese there for three days, and I lease  4 \$10,000 worth of ground, and I get two days to hunt, you  5 guys didn't do me any justice because you gave me a  6 ration that there wasn't anything in there.  7 MR. GARDNER: That's where some people think  8 that the economics are going to limit how much of this  9 happens, because you can't lease thousands of acres.  10 MR. SMITH: I appreciate that comment. So,  11 really, if we went back to it and said four  12 grandfathered licensed guides in the state of Idaho,  13 that's it.  14 MR. STEELE: That economics that's in that  15 valley right there is not from here. Okay? That's not  16 from here. It's all from out of state.  17 MR. GARDNER: What I was trying to communicate  18 was that the outfitter is going to have to pay farmers  19 to lease money. And so they're going to have to balance  20 that against how much revenue they're getting in from  21 those clients.  22 MR. STEELE: What is the mile range you have  23 in mind for guides? Every 10 square miles or 20 or 50,  24 or what is it?  25 MR. GARDNER: That's up to be determined.</p>

## In Re: Outfitted Turkey and Fowl Hunting Hearing 12/5/2012

<p style="text-align: right;">Page 26</p> <p>1 MR. STEELE: So we don't know that yet either?</p> <p>2 Are you guys going to have another public meeting on</p> <p>3 this?</p> <p>4 MR. JAKE HOWARD: You know, right now we want</p> <p>5 to limit the Snake River in its entirety, pretty much.</p> <p>6 MR. STEELE: The what?</p> <p>7 MR. JAKE HOWARD: The Snake River.</p> <p>8 MR. JONES: I do have one question. I'm</p> <p>9 Jackson Jones from Burley, Idaho, J-o-n-e-s.</p> <p>10 UNIDENTIFIED AUDIENCE SPEAKER: Do you want to</p> <p>11 go on record recommending a 15-mile corridor on either</p> <p>12 side?</p> <p>13 MR. JONES: My question is this: You guys</p> <p>14 sent out this 4,000-person survey; right?</p> <p>15 MR. JAKE HOWARD: Actually, did it with the</p> <p>16 Farm Bureau.</p> <p>17 MR. GARDNER: Farm Bureau mailed it, Fish and</p> <p>18 Game combined --</p> <p>19 MR. JONES: What kind of survey did you use</p> <p>20 for waterfowl --</p> <p>21 MR. JAKE HOWARD: We can't --</p> <p>22 MR. JONES: We haven't done one yet? Are you</p> <p>23 guys planning on that?</p> <p>24 MR. JAKE HOWARD: We haven't talked about</p> <p>25 that.</p>	<p style="text-align: right;">Page 28</p> <p>1 that do the barter system, the pay system, or whatever,</p> <p>2 already that's on this. And the way you guys have that</p> <p>3 wrote up there is really not guiding. He's just finding</p> <p>4 you a spot to hunt. That's all he's doing is finding</p> <p>5 you a spot to hunt, because he can't go call for you, I</p> <p>6 can't take my high-dollar dog and retrieve birds for</p> <p>7 you. So I'm going to take you over here and park you</p> <p>8 right there, and I'll see you after a while.</p> <p>9 Now, one more question and then I'm done for</p> <p>10 the night. Does Fish and Game support this?</p> <p>11 MR. JAKE HOWARD: We've been working with Fish</p> <p>12 and Game for three years.</p> <p>13 MR. STEELE: So they do support it?</p> <p>14 MR. GARDNER: They support finding an answer.</p> <p>15 MR. STEELE: They support finding an answer?</p> <p>16 What about the Fish and Game Commission?</p> <p>17 MR. JAKE HOWARD: Pardon me? What was the</p> <p>18 question?</p> <p>19 MR. STEELE: What about the Fish and Game</p> <p>20 Commission?</p> <p>21 MR. JAKE HOWARD: We met with the commission</p> <p>22 chairman and commissioners and Jim Lynsworth and one</p> <p>23 other Fish and Game employee here in the last couple</p> <p>24 weeks. And they are wanting to find a solution to this.</p> <p>25 MR. GARDNER: I can tell you that Fish and</p>
<p style="text-align: right;">Page 27</p> <p>1 MR. JONES: Well, that would be something that</p> <p>2 I would suggest, sportsmen, see what they want. And</p> <p>3 that would be my suggestion. I understand we're sending</p> <p>4 out -- and I can understand why you did, but I want the</p> <p>5 other side. I would like to see the other side do one,</p> <p>6 too. I mean, if you can get it to everybody who has a</p> <p>7 state migratory bird license, that kind of narrows down</p> <p>8 who your waterfowl hunters are in the state of Idaho.</p> <p>9 MR. GARDNER: The reason we did the -- the</p> <p>10 board did the survey of landowners is that in the</p> <p>11 advisory committee, that's where they felt they were</p> <p>12 lacking information, is nobody knew how much leasing was</p> <p>13 going on, nobody knew how many hunt clubs, you know.</p> <p>14 And I don't know if -- you know, I'm sure we didn't get</p> <p>15 them all. I don't know if everybody was honest or we</p> <p>16 had the least amount respond. You know, when you do a</p> <p>17 survey, that's the risk you always take.</p> <p>18 MR. STEELE: First of all, if I lease my</p> <p>19 property to you for \$100,000 cash a year -- just a</p> <p>20 number, okay -- \$100,000 cash a year, and you call me up</p> <p>21 and say you can lease your property and you can do how</p> <p>22 much money, do you think I'm going to tell you that?</p> <p>23 MR. GARDNER: Some people did. I don't know.</p> <p>24 MR. STEELE: I'm probably not going to say it</p> <p>25 to Sam either. It's all over. You know, there's people</p>	<p style="text-align: right;">Page 29</p> <p>1 Game, you know, paid for me to facilitate that advisory</p> <p>2 committee. So they're putting their money into this.</p> <p>3 MR. STEELE: So that's my money? That's the</p> <p>4 sportsmen's money; right? Now, are we in Idaho that</p> <p>5 manage the sportsmen or the game?</p> <p>6 MR. GARDNER: Fish and Game has to manage the</p> <p>7 wildlife resources, but that implies managing humans.</p> <p>8 MR. STEELE: So it sounds like we're here on</p> <p>9 behalf of the sportsmen, not the game; right?</p> <p>10 MR. GARDNER: I don't know.</p> <p>11 MR. SMITH: Fish and Game, they want to get</p> <p>12 this taken care of, but they're more for the moratorium</p> <p>13 than anything. I think that needs to be brought forth</p> <p>14 or Fish and Game could possibly get a black eye, or</p> <p>15 these guys think that Fish and Game is for it. Because</p> <p>16 I kind of heard -- I could be wrong -- but I kind of</p> <p>17 heard that they are leaning towards a permanent</p> <p>18 moratorium.</p> <p>19 MR. JAKE HOWARD: Fish and Game would like to</p> <p>20 see this as limited as much as possible. There's no</p> <p>21 question about that.</p> <p>22 MR. GARDNER: And in a perfect world, yes,</p> <p>23 because, in general, they don't like commercialization</p> <p>24 either. Right?</p> <p>25 MR. JAKE HOWARD: We would like to set the</p>



<p style="text-align: right;">Page 30</p> <p>1 appropriate limits as well. That's why we're going  2 through the process. That's why the rule-making is the  3 force and effect of law. It will do what we want to do.  4 But we need to figure out how to almost appropriately  5 get there. So all this finger-pointing that we're  6 having going on isn't helping us. What we need to do is  7 facts and figures and work with Fish and Game to sort  8 this thing out. We feel like we have a pretty good, you  9 know, relationship with the Fish and Game Department.  10 We have a memorandum of understanding that  11 we've had for four or five years. We're updating that.  12 There's some things we're trying to clarify there. And,  13 you know, this is between resource management and fish  14 and wildlife management and commercialization. But, you  15 know, we're trying to work collaboratively. And we  16 always have with the Fish and Game Department,  17 particularly since I've been the director and since  18 Mr. Hunsucker's been the chairman. We're doing the best  19 we can do for the people of Idaho.  20 And, you know, this is kind of like congress.  21 We've got congress that can't make up their mind how to,  22 you know, move on and make an impasse that we're dealing  23 with nationally. And we got this moratorium that we're  24 dealing with in the state of Idaho that we need to put  25 something in place that will help us do -- we need an</p>	<p style="text-align: right;">Page 32</p> <p>1 appears to me that there's a lot of residential  2 development right along the river. Okay? And there's  3 places like that. There's a lot of residential  4 development in Canyon County. But we don't know all the  5 places -- I mean, I don't know all of Idaho.  6 MR. GARDNER: And you want to buffer around  7 it.  8 MR. JAKE HOWARD: We'd like to put a buffer  9 around it. That's appropriate. Those are appropriate  10 things to do. We need to justify the rule. We take  11 this to the legislature, get the legislature to agree to  12 it. And if you can -- we're probably going to have  13 private landowners there that you were talking to that  14 are going, "Why are you putting limitations on what we  15 can do on our private land around the Snake River?" We  16 need to be able to justify it to them as well.  17 MR. STODDARD: You're limiting the areas that  18 already have limited access because of the development.  19 So you're talking about areas where he can't hunt, I  20 can't hunt because of this subdivision along the river.  21 That's kind of a moot point.  22 MR. JAKE HOWARD: It's not a moot point. We  23 need to put a rule that it can't be done. You can still  24 hunt -- you can still hunt on areas in Canyon County  25 that are residential development. I mean, it's going to</p>
<p style="text-align: right;">Page 31</p> <p>1 Idaho solution to this thing. Okay? That's what we're  2 looking for.  3 MR. STEELE: We need to do a survey on the  4 sportsmen, not just the landowner. We need to do the  5 other half.  6 MR. JAKE HOWARD: We're hearing a lot from  7 sportsmen. What we're not hearing -- we know there's a  8 lot of opposition, a lot of concern -- but we're not  9 hearing the solutions. That's what we're looking for.  10 Help us find some solutions other than just saying you  11 don't like it. We know you don't like it. I mean, we  12 know you don't like it. But help us find the solutions.  13 MR. STEELE: How can we give you a solution?  14 How can we give you a solution if we're not in favor of  15 it?  16 MR. JAKE HOWARD: Well, the solution would be  17 that we're looking to limit the Snake River, for  18 example. Okay? We want to have specific areas that we  19 know there's problems, where are they, what are they,  20 and what is the rationale or what are the problems? We  21 know it's crowded, we know that there's maybe some  22 resource issues.  23 We know -- I -- again, I'm from Aberdeen. And  24 I drove -- we drove from Tilden Bridge down to the  25 Aberdeen side of the Snake River. And it pretty clearly</p>	<p style="text-align: right;">Page 33</p> <p>1 be difficult to do, but there are people hunting down  2 there.  3 MR. SMITH: The one thing I saw on this --  4 MR. JAKE HOWARD: But the -- Mike, there's  5 other areas, other rationale, other reasons, you know.  6 No, that's what we're looking for is input.  7 MR. STODDARD: I think the biggest hurdle that  8 you have is Idaho Fish and Game promotes opportunity,  9 and you know that. It's an opportunity. So sometimes  10 they overextend themselves on the opportunity end of it.  11 And you're promoting opportunity for people to come into  12 the state that have money to take advantage of a  13 resource that I can't afford to do. I mean, that's the  14 bottom line.  15 MR. JAKE HOWARD: I think the way I would look  16 at this is we're promoting opportunities for landowners  17 that can have more flexibility in what they can do with  18 their land.  19 MR. STODDARD: I feel for you, 'cause I don't  20 have a really good answer on how to do this. I mean,  21 it's convoluted. I mean, you're from Idaho. You know,  22 getting people in Idaho excited about it, and you guys  23 drop an A-bomb.  24 MR. GARDNER: Just one second. Mike, let me  25 just give you -- I'll give you an idea just from my own</p>

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1 experience back in Michigan. This has been many, many  
2 years. And I'm a horrible hunter. But in Michigan,  
3 they have -- next to a wildlife refuge there's some  
4 state ground. And the State Department of Conservation,  
5 I think in Michigan, put in a bunch of goose pits. You  
6 go in the wee hours and, you know, you draw, and you get  
7 the number of your blind, you pay your whatever it was,  
8 and you can go hunt in the goose pit where you know  
9 there's going to be birds going back and forth.

10 You know, that's a way to increase the access,  
11 you know, that the state is actually in. So you can do  
12 it that way. You could also, possibly, do it with  
13 certain farmers that get, you know, the geese flying  
14 back and forth off the reservoir.

15 MR. STODDARD: The difference in that, though,  
16 is you're talking about a limited public opportunity.  
17 Like, I go to Indiana. And if you don't know somebody  
18 in Indiana or don't have leased property, you're not  
19 going to hunt. And you can go to a wildlife management  
20 area and sit there at 3:00 in the morning and hope your  
21 name's drawn. But if your name's not drawn, you're  
22 going home, and you're not hunting.

23 MR. GARDNER: But the good news is if your  
24 name is drawn, you have a place, you're going to have an  
25 adequate space between you and the next guy, you don't

1 or you're taking into consideration or not. But if you  
2 do end up passing this and you have all these people  
3 tying up land, you are going to piss off the general  
4 public. You're going to make people mad. And,  
5 unfortunately, we do live in a world where not  
6 everybody's going to take this so kindly.

7 So let's say that I've already got this land  
8 tied up, I'm guiding, I've got five people coming in,  
9 and I've got a huge field site set up the morning, I'm  
10 excited about it, they're excited about it. Somebody's  
11 pissed that they can't get onto that land, and they go  
12 and they fire -- they go fire a round off, bump it, and  
13 I've got nothing for my clients that day. So you're  
14 going to have pissed-off clients, you've got pissed off  
15 people in the community, everybody's mad. You're going  
16 to make a huge number of people mad who no longer have  
17 access to something they've always had access to.

18 So you have to keep that in consideration and  
19 say, well, okay, now we're going to have people who  
20 might start poaching, we're going to have people who  
21 might start firing off rounds at people who are in  
22 fields because they're upset that they're not on it.

23 You just need to -- you need to take that into  
24 consideration, too, that this is great for landowners,  
25 this is huge for Idaho as far as building a revenue and

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1 have to fight with it.

2 MR. STEELE: I'm not ready for that in Idaho.

3 MR. GARDNER: Maybe it's a Midwestern thing.

4 MR. BRUNING: So say we go through with all  
5 this, and you take a 12-year-old kid at 3:00 in the  
6 morning, and he doesn't draw, and you get to go home.  
7 He's not going to want to hunt in the future. He's  
8 going to get a bad taste in his mouth after it and be  
9 done. You're losing revenue right there, and you're  
10 losing the heritage with people.

11 MR. STEELE: Put that in the record.

12 MR. SMITH: That's a great point.

13 MR. GARDNER: For the use --

14 MR. BRUNING: All the regulation, it says take  
15 the kid hunting, take the kid fishing. What are you  
16 going to do when you put a stipulation on that when it  
17 regulates a 12-year-old kid?

18 MR. GARDNER: Okay. So is there somebody that  
19 hasn't spoken yet that wants to get in? Go ahead.

20 MS. RILEY: Okay. I just want to --

21 MR. GARDNER: Could you say your name first?

22 MS. RILEY: You're never going to get it  
23 right. Kyrie, K-y-r-i-e; Riley, R-i-l-e-y. I just want  
24 to bring up a different part of the argument that I  
25 don't know how much you guys have actually thought into

1 making some extra money. But it's going to hurt the  
2 little man who's always been able to go hunting  
3 somewhere or who's not for money and has gotten onto a  
4 field before. Now they can't because all that land is  
5 tied up somewhere. And they don't -- they don't get to  
6 hunt. So what do they do? They fire off a round so  
7 that they ruin it for somebody else. It's not right.  
8 And you're going to lose money because your clients  
9 aren't going to come back. It's going to leave a bad  
10 taste in everybody's mouth. And it's just something  
11 that needs to be considered as well.

12 MR. GARDNER: Thank you.

13 Who else hasn't spoken yet?

14 MR. RANSTROM: I haven't. Chuck Ranstrom from  
15 Rupert. I'm an Idaho born and raised resident,  
16 landowner, and business owner in the state my entire  
17 legal life. And I've listened to this conversation.  
18 And it's interesting to see the dynamics between you-all  
19 and this group. As a taxpayer in Idaho, please do not  
20 send a survey out to the sportsmen in Idaho. You  
21 already know the answer. Save the -- save the stamps.  
22 Overwhelming, I think, if you surveyed the sportsmen,  
23 they'd say they would be against allowing further  
24 outfitting and guiding waterfowl and turkeys in the  
25 state of Idaho.

<p style="text-align: right;">Page 38</p> <p>1 I've lived all across the state, including  2 Idaho Falls, Burley, Boise. I went to high school in  3 Boise and grew up hunting in Marsing, Star, Middleton  4 areas where we had no trouble at all knocking on a door,  5 introducing ourselves, you know. The picture-perfect  6 landowner-sportsmen relationship. And I remember,  7 growing up, that I got told, "Yes, you can hunt" almost  8 all the time.  9 There's always the occasional antihunter  10 landowner who says no. If you go to the same areas that  11 I grew up hunting in, that part of the Treasure Valley,  12 today and knock on those doors, you might get 1 percent  13 that would say, "Yes, go ahead and hunt." I don't know  14 what percentage of that ground's already tied up in  15 trespass fees. But I know lots of well-to-do Idahoans  16 that have very expensive blinds all along the Boise  17 river.  18 And I think the frustration you see in this  19 group is we're very blessed in the Magic Valley because  20 we still have that sportsmen-landowner relationship  21 where you can walk up, introduce yourself -- they might  22 know you, they might not -- but the majority of the time  23 you're going to get permission.  24 So I don't see this rule-making process as  25 having to do with improved access or increased access.</p>	<p style="text-align: right;">Page 40</p> <p>1 guiding for waterfowl and turkeys in Idaho because it  2 makes a pay-to-play game, and it's a rich man's sport.  3 The last thing --  4 MR. GARDNER: And I should say, take a drive  5 sometime along the Payette River there between Emmett  6 and Payette. There's some nice country there.  7 MR. RANSTROM: Yeah, that's true. There's  8 lots of water on that -- in that zone, I told you, I'm  9 fine with you guys.  10 The last thing, I would end it with a  11 question. I don't -- I don't know if you guys are  12 attorneys or experts on the constitution within the  13 state of Idaho or whatever. But I got my degree in  14 college before I ever got my law degree. As I  15 understand it, I have a right to hunt and fish in the  16 state of Idaho, and as a landowner, I have a right to  17 charge a trespass fee. But I don't see anywhere within  18 the Idaho code that says you have a right to outfit or a  19 right to guide.  20 MR. GARDNER: That's --  21 MR. JAKE HOWARD: What the issue there is  22 administrative procedure. It's not a right to outfit or  23 a right to guide; you have a right to apply and a right  24 to have your application reviewed and be treated fairly.  25 And so if we deny it, we have a responsibility to defend</p>
<p style="text-align: right;">Page 39</p> <p>1 We have access. We're all mad because what it does is  2 open the door to making this a pay-to-play game. And  3 you look at your 3 percent number based on 1200 and --  4 what was it 86? I didn't memorize that document.  5 MR. GARDNER: The survey.  6 MR. RANSTROM: But they put math on that,  7 Region 4. That would tell me that 11 licensed guys can  8 have one hunter in the field every single day of the  9 season. And you started off giving them requirements  10 for ground they have to have tied up in order to have  11 the license to guide waterfowl. So the bare minimum,  12 that's like 1500 acres that's going to be tied up. Some  13 outfitter is going to pay some landowner in our region  14 some stipend that says I have the right to hunt your  15 ground. So what you've actually done to the average  16 sportsmen in our region is reduce that access.  17 If you need to be specific about opportunities  18 for guiding, I'll give you one. I'd be absolutely fine  19 with you allowing them to guide within the Milner Pool  20 from January 1st through the end of the season. It's  21 frozen. Or how about north of Interstate 84 between  22 Highways 55 and 95? Guide all you want right there.  23 But, certainly, I think I speak for everyone  24 in this room, and probably every sportsmen you've had in  25 one of these, that says we are against increasing</p>	<p style="text-align: right;">Page 41</p> <p>1 why we deny it. And the concern is how do we justify  2 that? And, you know, the fact that there are people  3 that don't like it that are hunters may or may not hold  4 up in court.  5 Like I said earlier, this a risk management  6 issue. If we lose a court proceeding, it opens up  7 another complete different -- puts this thing into a  8 complete different context, because we, the board, are  9 going to have to respond to that judicial order.  10 MR. RANSTROM: I understand that. How many  11 times in 23 years have you had a proceeding come  12 before --  13 MR. JAKE HOWARD: We've had two. We've had  14 two recent, one with turkey and the other one was a  15 lawsuit on the South Fork with the application was to --  16 from a guy over there who's actually -- he was one of  17 the four grandfathered waterfowl hunters. He's licensed  18 to fish on another river, but he wants to fish on the  19 South Fork, and the board denied that, and he appealed  20 it. And then he appealed that to district court. The  21 decision was upheld. And then he appealed to the State  22 Supreme Court. And he's also filed a lawsuit of a civil  23 matter against the board and BLM. And that was just  24 recently overturned.  25 MR. STEELE: So who pays for that?</p>

## In Re: Outfitted Turkey and Fowl Hunting Hearing 12/5/2012

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1 MR. JAKE HOWARD: The licensing board.

2 MR. GARDNER: That's the hot seat that we're  
3 in.

4 MR. JAKE HOWARD: And then the other lawsuit  
5 is a former outfitter up in Northern Idaho that sold his  
6 business and then he continued to operate, and the board  
7 took action on that license. And he's appealed it.  
8 I've got to be a little careful with that because that's  
9 an ongoing lawsuit. As I recall, we're in the \$30,000  
10 range on the first one and, I think, approaching 50 on  
11 the second one, you know.

12 MR. STEELE: So when it gets to that point,  
13 really, it's out of your hands. I mean, you made the  
14 decision to revoke his license, or whatever you chose to  
15 do, and then it went on to the court system. Now,  
16 you're done.

17 MR. JAKE HOWARD: What can happen, if the  
18 decision -- and I'm not an attorney -- but what can  
19 happen is if the appeal is upheld, typically, what the  
20 judge would do is probably award cost, which would be an  
21 additional monetary sum, fairly significant amount. And  
22 then he would, more than likely, order the board to  
23 reconsider the application in the matter. And that's  
24 where it would come back. We would have to -- you know,  
25 if we don't have a reason to justify it, then we're

1 access to do a business, hire people, employ people, and  
2 run a business. You can't do that without good,  
3 legitimate reason. That's just common sense to all of  
4 you, whatever business you're in. You're a painter.  
5 Can I tell you that you can't paint because this  
6 subdivision is such and such?

7 MR. STEELE: That is no different than a  
8 trespassing fee, the statement you just made, sir. It's  
9 no different than a trespass fee.

10 And second of all, if you guide in the state  
11 of Idaho, if I take Tab Smith out here hunting, and he  
12 paid me 250 bucks, okay, I can go -- I can't use any of  
13 my gear, I can't even go with him, I can't call with him  
14 or take my dogs or anything. That's guiding; right?  
15 Okay. But as a trespassing fee, I can go with him and  
16 do everything I want. What, I can't with a trespassing  
17 fee?

18 MR. HUNSUCKER: No. There was Idaho State  
19 Supreme Court ruling clearly define that. I don't know  
20 that we've got it.

21 MR. JAKE HOWARD: A trespass they can --

22 MR. HUNSUCKER: You can't advertise, you can't  
23 take them in the field, you can't provide services.

24 MR. JAKE HOWARD: Or charge them.

25 MR. HUNSUCKER: Or charge them.

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1 probably going to issue the license.

2 MR. STEELE: But it's out of your control.

3 MR. JAKE HOWARD: No, it's not. If the judge  
4 orders that --

5 MR. STEELE: It would be the judge order.

6 MR. JAKE HOWARD: If the judge orders that we  
7 reconsider the application, it comes right back into our  
8 control. That's the point.

9 MR. STEELE: I guess I'm kind of confused a  
10 little bit, then. Who is pushing for this?

11 MR. JAKE HOWARD: As I was explaining before,  
12 it's really an issue about the moratorium not being  
13 enforceable. We've had some applications. And so far  
14 most people have been pretty civil. But, you know, it's  
15 just -- it's a risk management issue. Idaho's growing,  
16 population's growing, the interest is growing. The  
17 world is becoming a lot more legalistic. And, you know,  
18 we're to a point now that we do not feel that we can  
19 continue to have that moratorium. We need to put  
20 something in law that will set the appropriate limits  
21 and restrictions to do what, you know, many of you feel  
22 that we need to do.

23 MR. HUNSUCKER: One other thing I want you to  
24 look at, you've got a landowner that goes to you and  
25 they ask for a business license, you're denying them the

1 MR. JAKE HOWARD: If you just simply charge a  
2 trespass fee and don't promote it, you're fine.

3 MR. GARDNER: Let's get back and give people  
4 who haven't spoken a chance to speak.

5 MR. JOHN HOWARD: John Howard from Twin Falls.  
6 Maybe I'm overlooking it and I'm an idiot, but on the  
7 draft rule, I don't see anything in there really for the  
8 Magic Valley. It's kind of -- these areas right here  
9 are eliminating zones where people cannot hunt? Am I  
10 reading that correctly?

11 MR. GARDNER: So say what you'd like. You  
12 want to make sure that the Snake section is --

13 MR. JOHN HOWARD: Well, all of the Snake  
14 River, not just sections. So that's just the point that  
15 I have. I didn't see it on there.

16 MR. JAKE HOWARD: We need to further refine  
17 this. That's what we're needing to do.

18 MR. GARDNER: So thank you.

19 MR. JOHN HOWARD: Basically, that's north and  
20 there in the center is wide open, essentially, in the  
21 Snake River plain.

22 MR. GARDNER: Thank you.

23 MR. JOHN HOWARD: Colorado, you talked about  
24 Colorado. Great place to hunt if you got the money. If  
25 you want to be a waterfowl guide, everything down there

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1 is leased up. I have quite a few friends, some of them  
2 are outfitters and guides. Okay? The outfitter -- I  
3 had a buddy, he spent \$100,000 a year to lease up land  
4 and hunt 20 percent of it. He tied up the rest of the  
5 land so no one else could hunt. It's done all the time.  
6 He tied it up. So it's a sportsmen-access issue.

7 You know, you can have some guys that may go  
8 through and start doing up all these private property  
9 owners. And I totally respect private property rights.  
10 It's your land, you should be able to do whatever the  
11 hell you want on it at any time. These guys can go in,  
12 lease it all up, and they're going to close out the  
13 public.

14 MR. GARDNER: So would you have a suggestion,  
15 then, as far as what would be a limit on --

16 MR. JOHN HOWARD: My suggestion is make the  
17 moratorium permanent.

18 MR. GARDNER: And do you want to offer a  
19 suggestion on how much land any outfitter --

20 MR. JOHN HOWARD: No. I mean, it's -- Jake,  
21 you know, I was on the board '06, '07. And, you know,  
22 we had a very lengthy phone call conversation, I think  
23 you remember. And, basically, I -- and maybe I took you  
24 wrong -- but it sounded like this issue was dead, pretty  
25 much told me that, you know what, it's -- I'm not

1 clear to Sterling, Colorado, to go to private -- or  
2 public property to hunt. You need to get there like  
3 2:00 in the morning and fight your way in to get a  
4 point. That's what I'm worried about. That's where I  
5 see Idaho going towards, is the Colorado structure, in  
6 my opinion.

7 You know, I know the group opposes, 26 groups,  
8 almost all sportsmen groups. So there seems to be a lot  
9 of people against it, and hoping we can end up with some  
10 type of clear ground, open ground where we can get it  
11 fixed. But I think the majority of the people here want  
12 a permanent moratorium.

13 And then a few questions: Where did the Idaho  
14 Outfitters and Guides Licensing Board get evidence on  
15 the need to outfit and guide in Idaho? Was it people  
16 calling in?

17 MR. JAKE HOWARD: We've had people ask us  
18 about the opportunity. People asked us, called the  
19 staff and asked where there are places to go. And we've  
20 had services and people apply for licenses.

21 MR. JOHN HOWARD: Would you say most of those  
22 phone calls were acquired from out of state or from  
23 within the state?

24 MR. JAKE HOWARD: I have no idea. Nobody  
25 knows.

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1 quoting you, but basically we have backlash, people  
2 don't want it, we're not going to do it, it's a moot  
3 issue, it's dead.

4 MR. JAKE HOWARD: I'm sorry if you had that  
5 impression. This issue's never been dead. This  
6 moratorium has been in question for a long time. And  
7 that's why we went through the process with the working  
8 group. I think I actually asked you for a  
9 recommendation for the working group. And so part of  
10 that process was to figure out some solution to this  
11 thing. And, you know, it partly succeeded, and it  
12 partly failed.

13 MR. JOHN HOWARD: We're still talking about  
14 it, so we'll see.

15 MR. JAKE HOWARD: By the way, we're not  
16 related.

17 MR. JOHN HOWARD: Yeah, we're not related. I  
18 think I got up and said that.

19 You know, if a private property owner wants to  
20 lease his land or if he wants to charge a trespass fee,  
21 that's his right. But it shouldn't be where an  
22 outfitter can go in and lease up everything and tie up  
23 all the property. Because I guarantee you Idaho will  
24 end up like Colorado, where there's no access.

25 When I lived in Fort Collins, you had to drive

1 MR. JOHN HOWARD: Do you have any call logs or  
2 anything?

3 MR. JAKE HOWARD: No. We don't keep call  
4 logs.

5 MR. JOHN HOWARD: IGLB claim that there are  
6 growing turkey populations and need to provide adequate  
7 opportunities to sportsmen seeking assistance in hunting  
8 turkeys. Is this where you're coming to that should be  
9 guided when people calling in?

10 MR. JAKE HOWARD: First of all, we're not  
11 allowing guiding. It's basically, you know, the  
12 opportunity. You know, there's -- from people --  
13 somebody was talking about, you know, the Treasure  
14 Valley and, you know, along the river and all the rich  
15 people buying up and leasing the land, which is their  
16 prerogative, it's their right to do, negotiated for the  
17 landowner, and the landowner can sure do that. And so  
18 what's happening is there's becoming less opportunity  
19 for all of us.

20 And so I think that the initiative behind this  
21 is to provide landowners another alternative to avail  
22 themselves where they can provide an opportunity to the  
23 public in lieu of leasing it to some rich guy, and they  
24 can, you know, offset some costs, they can promote it,  
25 you know, they can provide some services, they can

<p style="text-align: right;">Page 50</p> <p>1 charge for those services separately. And so it's</p> <p>2 really something that's an alternative to, you know, the</p> <p>3 rich people leasing up all the land.</p> <p>4 You know, the outfitting industry is -- you</p> <p>5 know, the intent of it is to provide a service to the</p> <p>6 public. And so by outfitters being able to make some</p> <p>7 leeway or headway with some of these landowners that may</p> <p>8 not otherwise want to provide services to the public and</p> <p>9 just lease it to the next rich guy that comes along,</p> <p>10 this would give them some other alternative. So it's</p> <p>11 really an alternative is what we're trying to promote.</p> <p>12 MR. JOHN HOWARD: Is it a better alternative</p> <p>13 than what we have right now?</p> <p>14 MR. JAKE HOWARD: That's the question.</p> <p>15 MR. JOHN HOWARD: You know, like on the</p> <p>16 survey -- again, I don't have the exact number -- but</p> <p>17 there's quite a few people that surveyed it, you know,</p> <p>18 that didn't think about leasing or they did lease</p> <p>19 because they want to give equal right to hunt. Well,</p> <p>20 now what's going to happen is you're going to have</p> <p>21 somebody come in and say, Hey, can I hunt here, let me</p> <p>22 -- they'll give them money so they can lease the guy's</p> <p>23 property and cut everybody off. You know, rich</p> <p>24 people --</p> <p>25 MR. JAKE HOWARD: They do that right now.</p>	<p style="text-align: right;">Page 52</p> <p>1 I'm sorry, we're getting in debating mode again.</p> <p>2 MR. JOHN HOWARD: No.</p> <p>3 MR. JAKE HOWARD: I'd be happy to talk to you.</p> <p>4 UNIDENTIFIED AUDIENCE SPEAKER: What about</p> <p>5 selling a membership to that person?</p> <p>6 MR. GARDNER: Except, under these rules, if</p> <p>7 they're advertising, they have to become an outfitter.</p> <p>8 MR. JAKE HOWARD: And they would fall under</p> <p>9 the same rules and restrictions.</p> <p>10 MR. JOHN HOWARD: If you come up and say,</p> <p>11 "Hey, I'll lease the land to you," I think it just opens</p> <p>12 Pandora's box.</p> <p>13 MR. GARDNER: Okay. Are there others that</p> <p>14 haven't spoken yet?</p> <p>15 MR. TRACY: Yeah, Gene Tracy, G-e-n-e.</p> <p>16 Gooding, Idaho. Now, if you guys go forward with this</p> <p>17 -- or the legislature, who can outfit? Who can actually</p> <p>18 do it? Are you going to allow that rich guy from</p> <p>19 Washington and Utah and Oregon, are you going to allow</p> <p>20 them to come into Idaho, or is this only for residents</p> <p>21 to be the outfitters?</p> <p>22 MR. HUNSUCKER: It's going to be fair to</p> <p>23 everybody.</p> <p>24 MR. GARDNER: Jake, the outfitter -- doesn't</p> <p>25 the outfitter have to be an Idaho resident?</p>
<p style="text-align: right;">Page 51</p> <p>1 MR. JOHN HOWARD: You can do that right now.</p> <p>2 But now what you're going to do is by bringing this to</p> <p>3 light, every landowner is going to say, well, they're</p> <p>4 going to start charging everybody. And it's a</p> <p>5 landowner's right to do that. If he wants to charge,</p> <p>6 that's fine. You know, I don't have a problem with it.</p> <p>7 It's his prerogative. It's his land. But, you know,</p> <p>8 it's -- everybody in here is probably not going to go</p> <p>9 out and pay some guy a bunch of money.</p> <p>10 MR. JAKE HOWARD: And that's exactly what the</p> <p>11 concern is. The landowner, he has the right to apply</p> <p>12 for a license. And if we're going to tell him no</p> <p>13 because you don't like it, and that goes to a court, a</p> <p>14 judge, we're going to go, well, let's see here, John</p> <p>15 Howard doesn't like this, and, you know, there's 25</p> <p>16 people that came to a meeting that they say they don't</p> <p>17 like it, they're all sportsmen. But that landowner is</p> <p>18 providing a public opportunity, and he's willing to</p> <p>19 promote it, he's willing to provide a public service,</p> <p>20 he's willing to put it at a reasonable fee, I'm sorry,</p> <p>21 guys, I'm going to side with the landowner.</p> <p>22 UNIDENTIFIED AUDIENCE SPEAKER: But he can do</p> <p>23 that.</p> <p>24 MR. JAKE HOWARD: He can't advertise.</p> <p>25 MR. GARDNER: Let's just get to the input.</p>	<p style="text-align: right;">Page 53</p> <p>1 MR. JAKE HOWARD: No.</p> <p>2 MR. BRUNING: Money talks. And that's coming</p> <p>3 from out of state.</p> <p>4 MR. GARDNER: Anything else?</p> <p>5 MR. TRACY: That's it.</p> <p>6 MR. GARDNER: Is that it?</p> <p>7 What's your name?</p> <p>8 MR. JONES: Jackson Jones. What was the</p> <p>9 number again of the actual survey, who you sent the</p> <p>10 survey to? How many already charge a trespass fee? Was</p> <p>11 it 2.9?</p> <p>12 MR. GARDNER: It was 2.9 percent. It was 33</p> <p>13 or something.</p> <p>14 MR. JONES: 2.9 percent charge a trespass fee?</p> <p>15 MR. HUNSUCKER: Around 33.</p> <p>16 MR. GARDNER: They lease their land to</p> <p>17 somebody.</p> <p>18 MR. HUNSUCKER: They lease their land for</p> <p>19 whatever reason.</p> <p>20 MR. JAKE HOWARD: Does anybody have any other</p> <p>21 ideas or comments?</p> <p>22 MR. STEELE: I think if this passes, there</p> <p>23 ought to be a 15-mile range off each side of the river</p> <p>24 from American Falls to the other side of Glens Ferry.</p> <p>25 MR. JAKE HOWARD: Why 15 miles?</p>

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<p>1 MR. STEELE: You asked me. You asked me why.</p> <p>2 MR. HUNSUCKER: Let me turn that question</p> <p>3 around. How far do you guys currently hunt off to the</p> <p>4 sides of -- each side of the river?</p> <p>5 MR. STEELE: Twelve to 15 miles.</p> <p>6 MR. HUNSUCKER: As I look around, how far out</p> <p>7 do you go to hunt?</p> <p>8 MR. STEELE: Twelve to 15 miles.</p> <p>9 MR. TRACY: Forty-five miles.</p> <p>10 UNIDENTIFIED AUDIENCE SPEAKER: Thirty miles.</p> <p>11 MR. HUNSUCKER: But the consensus -- that we</p> <p>12 try to get a consensus with 15 miles would be the</p> <p>13 number? Or would 10 miles do it?</p> <p>14 MR. STEELE: I think in all reality, the</p> <p>15 consensus, you're going to have to do a survey from the</p> <p>16 sportsmen and -- like you did the survey from the farmer</p> <p>17 that you have up here on your graph and everything else,</p> <p>18 and go back to the migratory bird and Fish and Game and</p> <p>19 pull out 100,000 names out of that deal or 50,000 or</p> <p>20 4,000 and pull out the same number that you did on the</p> <p>21 farmers and see the statistics on that side and do a</p> <p>22 comparison.</p> <p>23 MR. GARDNER: And help us understand, what are</p> <p>24 we going to learn by doing this survey?</p> <p>25 MR. BRUNING: That the sportsmen are not for</p>	<p>1 a club formed in the manner so as to solicit participation</p> <p>2 from the general public and to provide services on a</p> <p>3 guided pay and/or paid basis beyond a sharing of</p> <p>4 expenses shall be required to fall within your</p> <p>5 provisions."</p> <p>6 If I have a licensed bed and breakfast and I'm</p> <p>7 a landowner, services is not defined in here as to what</p> <p>8 -- what is "services"? Does that mean I'm packing</p> <p>9 decoys, setting them up and calling for you? Does that</p> <p>10 mean I'm providing you the bed and breakfast and a place</p> <p>11 to stay? I don't see, reading this document, if I</p> <p>12 wanted to, if I had a licensed bed and breakfast, that I</p> <p>13 couldn't call it Sportsmen Dream, whatever you name you</p> <p>14 want to call it. You can't limit me to what I want to</p> <p>15 be.</p> <p>16 MR. JAKE HOWARD: We'll have to take a look at</p> <p>17 that. That's a good point. That's a really good point.</p> <p>18 MR. GARDNER: Actually, you know, I used to do</p> <p>19 a bunch of work encouraging farmers about farm and ranch</p> <p>20 recreation and the bed and breakfast. You can do the</p> <p>21 bed and breakfast --</p> <p>22 MR. RANSTROM: Do you know what it is? In</p> <p>23 here I can't say overnight stay with meals provided is</p> <p>24 250 bucks and recreational trespassing fee is another</p> <p>25 five.</p>
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<p>1 it.</p> <p>2 MR. JOHN HOWARD: What the board is looking</p> <p>3 for is how can they improve this. You know, you're</p> <p>4 talking 15 miles, some people say leave it moratorium.</p> <p>5 So I mean, they want the input from everybody to see.</p> <p>6 MR. SMITH: Obviously, the moratorium is not</p> <p>7 working. And that's what they're worried about, the</p> <p>8 legal ramifications right now. So in -- as much work as</p> <p>9 you guys have done in this four or five, six years, you</p> <p>10 should be able to sit down as a collection of people,</p> <p>11 farmers, hunters, everybody else. And if you're not</p> <p>12 getting 50 phone calls a day from people pressuring you</p> <p>13 that we've got to have guiding in Idaho, we should be</p> <p>14 able to write up a moratorium or a new law that says</p> <p>15 this is how it's -- there's no way I guess I can be a</p> <p>16 guide in Idaho, case closed.</p> <p>17 UNIDENTIFIED AUDIENCE SPEAKER: I've got</p> <p>18 another question or comment, I guess. I'm looking</p> <p>19 specifically at the draft rules. I know typically</p> <p>20 you'll have a definition section of these documents.</p> <p>21 MR. GARDNER: Yes. This is a small part under</p> <p>22 the whole outfitting section.</p> <p>23 MR. RANSTROM: Going back to -- if I'm a</p> <p>24 landowner -- and I read this the way it reads right now.</p> <p>25 It says, "Private membership, A group, corporation, or</p>	<p>1 MR. JAKE HOWARD: We got your point. We got</p> <p>2 your point.</p> <p>3 MR. RANSTROM: So I guess what I'm saying is</p> <p>4 the matter already slipped through the cracks that's</p> <p>5 unenforceable.</p> <p>6 THE COURT REPORTER: What's your name again,</p> <p>7 sir?</p> <p>8 MR. RANSTROM: Chuck Ranstrom. I'm working on</p> <p>9 my law degree.</p> <p>10 MR. GARDNER: Okay. Is there any other points</p> <p>11 that haven't already been made? We were starting to</p> <p>12 kind of chase around the same bush again.</p> <p>13 MR. STEELE: You've been a lifelong Idaho</p> <p>14 resident. What's your stand in this?</p> <p>15 MR. JAKE HOWARD: I'm not going to get into</p> <p>16 that.</p> <p>17 MR. REYNOLDS: My question is that this is --</p> <p>18 obviously happens in the future. When's the next</p> <p>19 meeting we can voice our opinion at? Because we're</p> <p>20 talking 2014 before we go to the Supreme Court?</p> <p>21 MR. STEELE: Legislature.</p> <p>22 MR. REYNOLDS: Or legislature court, sorry.</p> <p>23 MR. GARDNER: The board will meet in December</p> <p>24 and again in April, hopes to be landing on the decision</p> <p>25 by August?</p>

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1 MR. JAKE HOWARD: Yeah. What we'll do is  
2 we'll update the board.  
3 MR. STEELE: There's no more public comment  
4 after these three meetings?  
5 MR. GARDNER: No. There will be several other  
6 hearings.  
7 MR. JAKE HOWARD: Let me answer your question.  
8 The next meeting is in December. And then we -- then I  
9 believe in April I think we will have -- probably have a  
10 hearing in April. And then I think we'll have some  
11 resemblance of an updated rule at that meeting. And I  
12 anticipate there will be opportunity for public comment  
13 at that meeting. And then those comments will come into  
14 play. The board will give some direction on what they  
15 feel they need to do. And then I believe that we --  
16 we're going to try to have a final draft of whatever it  
17 is that comes out of all of this to the board in August.  
18 And I would anticipate that there will be a  
19 hearing at that meeting. And then, you know, they'll  
20 take into consideration what people think and may make  
21 some changes or they may adopt it. So that's where I  
22 see it.  
23 MR. GARDNER: And then, typically, if there's  
24 interest, the legislature may also hold a hearing.  
25 MR. REYNOLDS: My last question is: At this

1 for more input. And we've not made a final decision on  
2 anything. So there's -- a lot of this doesn't have a  
3 final answer.  
4 MR. JOHN HOWARD: Do you foresee -- however  
5 this goes, if it goes for the guide or for us, if it  
6 goes for the guide, do you perceive any legal action?  
7 Don't know? I mean, in your opinion, what does that  
8 mean? Don't know?  
9 MR. HUNSUCKER: You know, I'd put my neck out  
10 there. I would assume that no matter which way it goes  
11 we're going to have legal action. And I can tell you  
12 this, as board members, we would have been a lot better  
13 off if we didn't have to deal with it and just left the  
14 moratorium in place. We didn't ask for this. And I  
15 don't like it.  
16 MR. JOHN HOWARD: You guys have a lot of time.  
17 MR. STODDARD: I think if you addressed the  
18 private landowner as your issue, it'd solve your  
19 problems. Let the private landowner, if he wants to be  
20 an outfitter, let him go through the hoops to be an  
21 outfitter on his property. If he wants to lease his  
22 property, let him lease his property. But don't allow  
23 outside interests to come in and tie up a bunch of  
24 properties, pay all these landowners to outfit for them.  
25 I think that's where the hangup is. I think that's why

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1 meeting, who's supporting our interest, because I don't  
2 think you guys are for our interest?  
3 MR. HUNSUCKER: I didn't hear all of it. Did  
4 you guys listen to his question?  
5 MR. REYNOLDS: My question is: When this  
6 hearing happens, who's supporting our interests, because  
7 I know you guys aren't in support of our interests?  
8 UNIDENTIFIED AUDIENCE SPEAKER: That's maybe  
9 not fair.  
10 MR. HUNSUCKER: I think I take offense to  
11 that.  
12 UNIDENTIFIED AUDIENCE SPEAKER: The last three  
13 questions haven't been answered; you just go to the next  
14 point. People have asked questions, and you go to the  
15 next point. I don't have any -- but at least be halfway  
16 civil here because you're not.  
17 MR. HUNSUCKER: Well, we are transcribing all  
18 of this. And the website -- we will have responses on  
19 the website.  
20 UNIDENTIFIED AUDIENCE SPEAKER: Okay.  
21 MR. GARDNER: And, also, they'll be accepting  
22 comments, written comments, anytime you want to put them  
23 in.  
24 MR. HUNSUCKER: We can't answer some of these  
25 because we're still working through it. We're looking

1 everybody is excited because they can see the writing on  
2 the wall.  
3 MR. JAKE HOWARD: Would you explain that a  
4 little more clearly?  
5 MR. STODDARD: Okay. If I have ground by the  
6 river and I want to be an outfitter, I should be able to  
7 go through the process and become an outfitter. There  
8 shouldn't be any limitation on my property. Okay? If I  
9 want -- I don't want to do that, I want to lease my  
10 property, I should be able to lease my property. But I  
11 should not be allowed to have an outside interest.  
12 Let's say five guys from Utah come in, apply  
13 for an outfitting license, and tie up five or six farms  
14 along the Snake River and outfit for every landowner  
15 that they've tied those farms up for. I don't think  
16 that should be allowed. I think that's where you're  
17 getting the backlash. Because everybody can see the  
18 writing on the walls of that.  
19 But if you're worried about private landowner  
20 interest, then that's how you deal with them. Let them  
21 do whatever they want to do as long as they follow your  
22 rules and regulations.  
23 UNIDENTIFIED AUDIENCE SPEAKER: On their  
24 property.  
25 MR. STODDARD: On their property.



## In Re: Outfitted Turkey and Fowl Hunting Hearing 12/5/2012

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<p>1 UNIDENTIFIED AUDIENCE SPEAKER: On their 2 property. 3 MR. JAKE HOWARD: What would we change here? 4 What would we take out of there? 5 MR. STODDARD: You wouldn't have to have any 6 limitations. I mean, you wouldn't have to have any 7 set -- 8 MR. GARDNER: He's suggesting you restrict 9 outfitters to private landowners on their own land. 10 MR. HUNSUCKER: So what you're asking is what 11 we've done on the turkey outfitters, the four or five 12 turkey outfitters that we currently have. They are 13 outfitters that own their own land, and they hunt and 14 operate only on their own land. 15 MR. STEELE: Absolutely. 16 MR. STODDARD: And that would keep everything 17 clean. 18 UNIDENTIFIED AUDIENCE SPEAKER: That would be 19 something you guys would work out. Because, 20 administratively, who wants to set out when the guy's 21 got 2 acres and go through all that? 22 MR. GARDNER: And that's why we say 160 acres 23 under the current rule. 24 MR. STODDARD: Okay. That's where we're 25 getting the backlash from everybody, is the concept of</p>	<p>1 Mike, you take this thing and make some tweaks and send 2 it to me. 3 MR. GARDNER: Mike, what I'm hearing you say 4 is that this would stand, this would stand, but this 5 would be struck, that they would not deal with another 6 outfitter. 7 MR. STODDARD: Right. That's where you guys 8 have your hangup. 9 MR. JAKE HOWARD: This one right here? 10 MR. JOHN HOWARD: A guy should be able to do 11 what he wants on his own land. If it's 160 acres, if he 12 wants to be an outfitter, if he wants to lease it, if he 13 doesn't want anybody on it, if he wants to let them on 14 for free, then he can do whatever he wants to on that 15 property. So if they own property -- but there needs to 16 be rules where these guys can't be coming in, I can't 17 hire Chuck to come in and do it. So, you know, there'd 18 be stipulations, and we go another three or four years. 19 MR. STODDARD: I think your heartburn -- 20 MR. SMITH: So now you're telling me I can 21 hunt and I can own my land and my kids and my workers 22 are all there, but they can't guide for me one way or 23 the other? 24 UNIDENTIFIED AUDIENCE SPEAKER: If you have a 25 license.</p>
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<p>1 having an outfitter come in and tie everything up 2 instead having the landowner himself be the outfitter, 3 if he wants to do that. That, to me -- would be 4 beneficial to me as a private landowner. I would do 5 that. If I had 100 acres, you know, I might be an 6 outfitter, I get ahold of you guys, fill out the 7 paperwork, and go for it. 8 MR. STEELE: That would be a good deal. Don't 9 come in and tie up the rest of the ground that we all 10 like to enjoy. 11 MR. GARDNER: Okay. Anyone have anything 12 else? That was a new point. Appreciate that one. Any 13 other different comments than we've heard before? I 14 think we're at the end. 15 MR. HUNSUCKER: So let me ask one question. 16 If we sent out a survey -- 17 MR. GARDNER: Wayne, hold up. We've got one 18 last comment. 19 MR. RANSTROM: That one right there, "Private 20 landowners may be licensed for outfitting on their own 21 land or waters." Is it "may" or "must be"? 22 MR. JOHN HOWARD: "Must." They'd have to 23 rewrite the whole thing. It would be another rule in 24 three or four years. 25 MR. JAKE HOWARD: Somebody take -- John or</p>	<p>1 MR. SMITH: If I have a license, everybody 2 that works for me can do that now. 3 MR. STODDARD: You're going to have to be 4 licensed. 5 MR. SMITH: I'm going to start doing like all 6 these seasonal guys, I'm going to work for four or five 7 farmers. I farm for them, I work for this guy, and he 8 lets me guide. 9 MR. RANSTROM: But he has to have a license. 10 MR. GARDNER: Okay. We got that idea. Okay. 11 I think -- Wayne, did you want to close things up? 12 MR. HUNSUCKER: Let me go ahead and we'll try 13 to close this up and say thanks, because we did get some 14 good comments. And we do appreciate that. That's a 15 different comment than we've ever heard. It was not 16 really addressed properly or well enough in the work 17 groups. So if we can work with the language that we 18 have, modify that, we'll get it. I don't know when we 19 can get that done, maybe after next week's meetings. 20 But I think you see where we're coming from. 21 You know, this isn't something that we relish 22 doing. It's something we've been forced to do. And we 23 sympathize with the hunters. We're all hunters. And we 24 also sympathize with the landowners. And we really 25 sympathize with the fact that we've spent</p>

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1 80-some-thousand dollars in lawsuits trying to defend  
 2 the rights of all the Idahoans to go out and hunt the  
 3 way they're used to hunting without these outside  
 4 influences, because one of these lawsuits came from  
 5 Texas or was part of Texas. And they're trying to break  
 6 the way that we work in Idaho. So thanks again.

7 MR. JAKE HOWARD: You guys, I personally --  
 8 this last ten minutes of discussion was very  
 9 enlightening. There's a couple things that kind of  
 10 struck with me.

11 John, I need to talk to you some more.

12 MR. GARDNER: Thank you. With that, you can  
 13 stop.

14 (Public hearing concluded at 9:01 p.m.)  
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1 REPORTER'S CERTIFICATE

2 I, JAHNENE ADMIRE, CSR No. 760, Certified  
 3 Shorthand Reporter, certify:

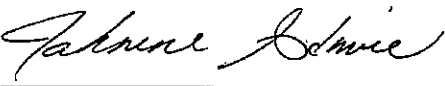
4 That the foregoing proceedings were taken  
 5 before me at the time and place therein set forth, at  
 6 which time the witness was put under oath by me;

7 That the testimony and all objections made were  
 8 recorded stenographically by me and transcribed by me or  
 9 under my direction;

10 That the foregoing is a true and correct record  
 11 of all testimony given, to the best of my ability;

12 I further certify that I am not a relative or  
 13 employee of any attorney or party, nor am I financially  
 14 interested in the action.

15 IN WITNESS WHEREOF, I set my hand and seal this  
 16 12th day of December, 2012.  
 17  
 18

19   
 20

21 JAHNENE ADMIRE, CSR 760

22 Notary Public

23 P.O. Box 2636

24 Boise, Idaho 83701-2636

25 My commission expires May 04, 2018

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